

REMARKS

This response is filed in response to an Office Action dated June 6, 2008, issued by the United States Patent and Trademark Office in connection with the above identified application.

Applicant has carefully studied the outstanding Office Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner.

Claims 1-9 and 12-13 are pending in the application. Claims 1, 7, 12 and 13 have been amended.

Applicants thank the Examiner for his acceptance of the previously presented claims, even though they did not fully comply with 37 CFR 1.121. Current amendments are based on the previously submitted set of claims.

All amendments have been made solely for adding clarity and consistency to the claim language and no new matter is introduced.

Reconsideration of the application is respectfully requested.

Claim Objections

Claim 7 has been amended to overcome the informality objection, which is now moot.

Claim Rejections – 35 USC §101

Claims 7-9 and 13 stand rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter. Applicant respectfully traverses this rejection in view of the remarks that follow.

According to the Office Action, these claims are “*directed merely to arrangements of data, although stored on a compact disc. Specifically, independent Claim 7 does not recite any structure for the disc, but only discloses audio data samples and associated data symbols, at least one of which is erroneous, and that there are error correction codewords associated with the data symbols. This only requires an arrangement of data. An arrangement of data is non-functional descriptive material, which is not statutory subject matter even if stored on a computer-readable medium. (See MPEP 2106.01)*”

Claims 7 and 13 have been amended.

Claim 7 (as amended) is directed to “A copy-protected audio compact disc which is encoded at the time of mastering the original disc with at least one non-standard codeword”. The disc comprises, *inter alia*, “at least one uncorrectable erroneous data symbol and at least one uncorrectable erroneous parity symbol produced when mastering the original disc”.

The disc comprises at least one non-standard codeword, which is represented by physical pit and land patterns. The physical pit and land patterns of the non-standard codeword are different from the physical pit and land patterns produced on a disc which conforms to the IEC-908 standard.

The physical pit and lands of the non-standard codeword, which is encoded at the time of mastering the disc, clearly forms apart of the structure of the disc and is not merely an “arrangement of data”.

Applicant respectfully submits that claim 7 is directed to statutory matter and conforms to 35 U.S.C 101. Claims 8-9 and 13, which depend from claim 7 similarly conform to 35 U.S.C 101.

Claim Rejections – 35 USC § 112

Claims 1-9 and 12-13 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of claims 1, 7, 12 and 13 have been amended to better clarify and distinctly claim the subject matter in order to overcome the §112 rejection. Applicant respectfully submits that the objections are now moot.

Claim Rejections – 35 USC § 102

Claims 1-9, 12 and 13 are rejected under 35 USC 102(e) as being anticipated by Sinquin et al. (US Patent 6,425,098). Applicants respectfully traverse this rejection in view of the remarks that follow.

Claims 1, 7, 12 and 13 have been amended.

Independent claim 1 (as amended) discloses a method for producing a copy-protected audio compact disc, containing audio data samples of an audio signal which includes the steps of:

at the time of mastering the original disc, selecting at least one audio data sample of the audio signal (*emphasis added*);

locating the data symbols representing said at least one audio data sample, said data symbols having error-correction codewords associated therewith;

overwriting data symbols with erroneous symbols and

disabling the error-correction of the error-correction codewords associated with the data symbols by altering at least one of a plurality of parity symbols in the codewords associated with the data symbols, thereby rendering said erroneous symbols uncorrectable.

Independent claim 7 (as amended) discloses a copy-protected audio compact disc, “encoded at the time of mastering the original disc with at least one non-standard codeword”, said codeword containing data and parity symbols, said data symbols being digital samples of audio signals. The disc comprises, *inter alia*, at least one uncorrectable erroneous data symbol and at least one uncorrectable erroneous parity symbol “produced when mastering the original disc”. (*emphasis added*).

Sinquin et al. describes a method for protecting data which introduces intentionally erroneous data values and generating error correcting codes as though all values (including the erroneous data values) are correct. Applicant respectfully submits that the present invention is inherently different from and is not anticipated by Sinquin et al. (US Patent 6,425,098).

In contrast to Sinquin, the present application modifies the audio data at the time of mastering the original disc by replacing it with erroneous data and also altering the respective error correction codes for that symbol on the original disc. The original disc is produced with at least one sector containing erroneous data, which is uncorrectable.

Sinquin et al. does not disclose or suggest the features of independent claims 1 and 7. Specifically, Sinquin et al. does not describe or disclose the limitations of claim 1; *“at the time of mastering the original disc, selecting at least one audio data sample of the audio signal”*. Furthermore, Sinquin et al. does not describe or disclose the limitation of claim 7; *“A copy-protected audio compact disc, encoded at the time of mastering the original disc with at least one non-standard codeword”*. (emphasis added)

Thus, Applicants respectfully submit that the method for protecting data by Sinquin et al. cannot anticipate Applicants' amended claims 1 and 7. Since claims 2-6 and 12 depend from claim 1 and claims 8-9 and 13 depend from claim 7, they are not anticipated by Sinquin et al. for at least the same reason. Therefore, Applicants respectfully submit that the rejection of claims 1-9, 12 and 13 has been overcome with this amendment.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below.

In view of the above amendments and remarks, it is respectfully submitted that the claims are patentable over the art of record and are now in condition for allowance. Prompt notice of allowance is respectfully solicited.

Respectfully submitted,

MACROVISION CORPORATION

Dated: 10/29, 2008

George B. Almeida
George B. Almeida (Reg. No. 20,696)

Customer No. 031665
Macrovision Corporation
2830 De La Cruz Blvd.
Santa Clara, CA 95050
Tel: (408) 562-8496
Fax: (408) 567-1807